

13293 E. Michigan  
Clinton, MI 49236  
April 28, 2004

Michigan Supreme Court  
Clerk's Office  
P.O. Box 30052  
Lansing, MI 48909

RE: Proposed Amendments of court rules  
Supreme Court ADM File No. 2003-04

Dear Justices:

I have reviewed some of the proposed amendments of the court rules in ADM File No. 2003-04, and I have the following comments on proposed Section 6.508(E) Time Limitation:

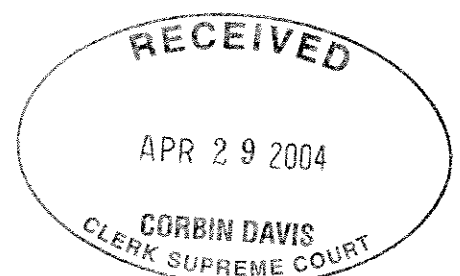
1) I think there should be no time limitation to file a motion for relief. The current rules have no time limitation to file a motion for relief: why should the rules include a time limitation? Michigan law provides the authority for trial court judges to grant a new trial, even after the time limits have expired. And the United States Supreme Court, in *Pennsylvania ex. rel. Herman v. Claudy*, 350 U.S. 116 (1956), held that no matter how much time has gone by, those whose constitutional rights have been violated in a criminal prosecution deserve a remedy.

2) If the Court decides to adopt time limits to file for relief, then I feel that one year after a specified event is too short a time.

In the "Committee Comment," the determination of the period of one year is discussed, and the committee concludes, "Using a one-year limitation period makes sense because it is sufficiently generous,..." in relation to Sub-sections 6.508(D)(1)(b) and (D)(2)(b). With regard to Sub-sections (D)(1)(a) and (D)(2)(a), the committee concludes, "Again, one year seems generous,..."

While one year may seem sufficient for educated, informed people without mental and physical illness and who have financial resources and access to attorneys, I think it is too short for some people who have been convicted of a crime, given the various circumstances that they may have. More time is needed to provide for those who have limitations of whatever kind.

3) Also, if the Court decides to adopt time limits, a grace period should be added for those already convicted to file motions if the new standards of Sub-section D are adopted. Some legal issues that are barred under the current rules may no longer be barred under the new rules, and those people with older convictions should have an opportunity to file a motion for relief.



Thank you for the opportunity to submit my comments, and thank you for considering them.

Sincerely,

A handwritten signature in cursive script that reads "Carol A. Peacock".

Carol A. Peacock